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Practitioner's Docket No. U 015590-2

## IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

PCT/US03/22471	17 July 2003	19 July 2002
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED

METHODS AND APPARATUS FOR COMMUNICATION USING UV LIGHT

TITLE				
1. John HEBRANK	3. Michael WEINER	5. Robert DAVIS		
2. Laurie McNEIL	4. Charles HUNTER			

## APPLICANT FOR DO/US

**Mail Stop PCT**  
**Director of the United States Patent and Trademark Office**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR REFUND FOR INTERNATIONAL APPLICATION  
 ENTERING NATIONAL STAGE IN U.S. DESIGNATED OFFICE (DO/US)  
 UNDER 35 USC 371**

**NOTE:** 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

**I. SUBMISSION OF SMALL ENTITY STATEMENT**

(complete (a) or (b))

- (a)  Attached is a Statement or Written Assertion claiming small entity status in this application.
- (b)  A Statement or Written Assertion claiming small entity status was filed in this application on \_\_\_\_\_.

**CERTIFICATION UNDER 37 C.F.R. 1.10\***

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper and the documents referred to as being transmitted therewith are being deposited with the United States Postal Service on this date April 11, 2005 in an envelope as Express Mail Post Office to Addressee" Mailing Label Number EV481673561US addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

*Connie Yannotti*  
 (Type or print name of person mailing paper)

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## II. REFUND REQUEST

NOTE: 37 C.F.R § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date a fee was paid in this application on January 14, 2005, in the amount of \$ 300.00.

NOTE: The two-month period (§ 1.28(a)) is not extendible under 37 C.F.R. 1.136 because it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.

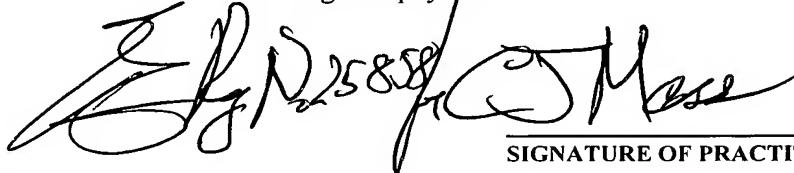
## III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> Filing fee under 37 CFR 1.492	<u>150.00</u>
<input type="checkbox"/> Fees for claims under 37 CFR 1.492(b), (c) or (d)	<u>      </u>
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than 20 months from the earliest priority date (37 CFR 1.492(e))	<u>      </u>
TOTAL REFUND REQUESTED	<u>      </u>

## IV. MANNER OF REFUND

Please make refund by

crediting Account No. 12-0425.  
 refunding overpayment.



SIGNATURE OF PRACTITIONER

Reg. No.

Clifford J. Mass, 30086, (212) 708-1890

(type or print name of practitioner)

Tel. No.: ( )

P.O. Address

Customer No.

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: John HEBRANK, et al.

Serial No.: 10/521,186 Group No.:

Filed: January 14, 2005 Examiner:

For: METHODS AND APPARATUS FOR COMMUNICATION USING UV LIGHT

Attorney Docket No.: U 015590-2

Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Deposit Account was charged large entity \$500.00 for national Stage Search Fee (Fee Code 1632) and large entity \$200.00 Examination Fee (Fee Code 1633) on January 21, 2005 (Control Nos. 369 & 370).

**CERTIFICATION UNDER 37 C.F.R. 1.10\***

(Express Mail label number is mandatory.)  
 (Express Mail certification is optional.)

I hereby certify that this paper and the documents referred to as being transmitted therewith are being deposited with the United States Postal Service on this date April 11, 2005 in an envelope as Express Mail Post Office to Addressee" Mailing Label Number EV481673561US addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

*Connie Yannotti*  
 (Type or print name of person mailing paper)

*Connie Yannotti*  
 Signature of person mailing paper

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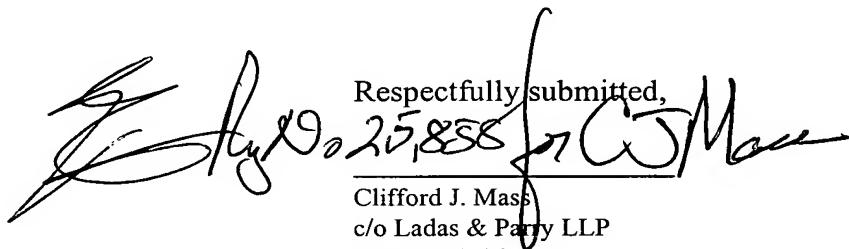
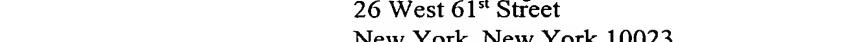
**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

However, the search report on the international application had been prepared and was provided to the Office upon National Stage entry on January 14, 2005 by the time the search fee was charged to the deposit account and a fee of \$00.00 (large entity) was due.

A Written Assertion of small entity status is being filed concurrently herewith (copy attached) for the small entity filing fee.

Therefore, refund, by credit to Deposit Account, of the large entity Search Fee (\$100.00 overcharge + \$200.00) and Examination Fee (\$100.00) for the total of 400.00 is requested.

  
Respectfully submitted,  
  
Clifford J. Mass  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 30086  
Tel. No. (212) 708-1890

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: John HEBRANK, et al.

Serial No.: 10/521,186 Group No.:

Filed: January 14, 2005 Examiner:

For: METHODS AND APPARATUS FOR COMMUNICATION USING UV LIGHT

Attorney Docket No.:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**

This is written assertion on the basis of:

- personal knowledge;
- applicant's letter of \_\_\_\_\_;
- applicant's agent's letter of \_\_\_\_\_; or
- other \_\_\_\_\_

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

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**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

- with sufficient postage as first class mail.

**37 C.F.R. 1.10\***

- as "Express Mail Post Office to Address"  
Mailing Label No. EV481673561US (mandatory)

**TRANSMISSION**

- transmitted by facsimile to the Patent and Trademark Office to (703) 872-9306

*Connie Yannotti*  
Signature

Connie Yannotti  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

**NOTE:** 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

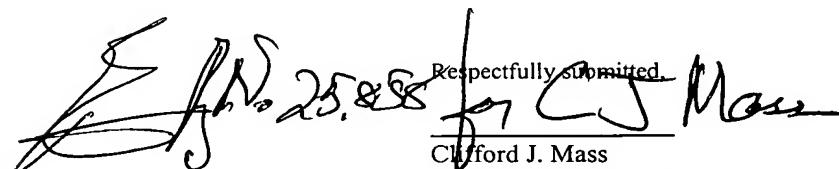
**NOTE:** 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33.(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

35 C.F.R. § 1.33(b):

(b) Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.



Respectfully submitted,

Clifford J. Mass  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 30086  
Tel. No. (212) 708-1890